

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
 (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference PHAT030027WO	FOR FURTHER ACTION		See item 4 below
International application No. PCT/IB2004/050475	International filing date (day/month/year) 21 April 2004 (21.04.2004)	Priority date (day/month/year) 29 April 2003 (29.04.2003)	
International Patent Classification (IPC) or national classification and IPC 7 H04B 5/00, G06K 7/00			
Applicant KONINKLIJKE PHILIPS ELECTRONICS N.V.			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input checked="" type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

Date of issuance of this report 04 November 2005 (04.11.2005)	
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 740 14 35	Authorized officer Idhir Britel Telephone No. +41 22 338 70 60

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

10/55382

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

		Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)
Applicant's or agent's file reference see form PCT/ISA/220		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/B2004/050475	International filing date (day/month/year) 21.04.2004	Priority date (day/month/year) 29.04.2003
International Patent Classification (IPC) or both national classification and IPC H04B5/00, G06K7/00		
Applicant KONINKLIJKE PHILIPS ELECTRONICS N.V.		

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer De la Peña, J Telephone No. +31 70 340-4211	
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/050475

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material:
 in written format
 in computer readable form
 - c. time of filing/furnishing:
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/050475

Box No. II Priority

1. The following document has not been furnished:

- copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	3-9,13-19
	No: Claims	1,2,10-12
Inventive step (IS)	Yes: Claims	3-9,13-19
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-19
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

The following document is referred to in this communication:

D1 : EP 1 280 099 A (SONY CORP) 29 January 2003

- 1 The International Search Authority (ISA) considers that the subject-matter of independent claims 1 and 9 is not new in the sense of Article 33(2) PCT.

1.1 Claim 1

Document D1 discloses (the references in parentheses applying to this document) in terms of claim 1, a circuit for a first communication partner appliance designed for contact less communication (abstract), which first communication partner appliance belongs to a communication system comprising at least one second such communication partner appliance (abstract), in which circuit either an active send mode or a passive send mode may be activated (paragraph 8) and wherein the circuit comprises terminal means, which are provided to transmit carrier signals usable for contact less communication (figure 5), and wherein the circuit comprises communication signal processing means, with which communication signal processing means a carrier signal generated with the communication signal processing means may be used for sending communication when the active send mode is activated (paragraph 26), and with which communication signal processing means a carrier signal generated with a second communication partner appliance and received by the circuit via the terminal means may be used for sending communication when the passive send mode is activated (paragraph 26), and wherein the circuit comprises determination means, which are designed to determine first energy source information, which first energy source information is characteristic of at least one parameter of at least one energy source, serving to supply the circuit with electrical energy (abstract), and wherein the circuit comprises decision means, which are designed to form a decision result taking account of the first energy source information determined using the determination means, which decision result influences which send mode is to be activated in the circuit of the first communication partner appliance (abstract).

Since all the features are known in combination from document D1, the subject-

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

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matter of claim 1 is not new (Article 33(2) PCT).

1.2 Claim 11

Independent claim 11 is a representation of claim 1 in terms of a method. Therefore, the above argument with respect to novelty of the subject-matter of claim 1 similarly applies to claim 11. Consequently, the subject-matter of claim 11 is also not new (Article 33(2) PCT).

2 Dependent claims 2-10, 12-19

- 2.1 Dependent claims 2, 10, and 12 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty (see document D1 and the corresponding passages cited in the search report).**
- 2.2 Dependent claims 3-9, 13-19 define features which are neither known nor hinted at in the prior art. Therefore claims 3-9, 13-19 can be considered as involving an inventive step (Article 33(3) PCT).**